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DESPATCH

TO THE

OFFICER ADMINISTERING THE GOVERNMENT

OF THE

KENYA COLONY AND PROTECTORATE

RELATING TO

NATIVE LABOUR.

Churchill W.

Presented to Parliament by Command of His Majesty,
September, 1921.

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

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[Cmd. 1509]

Despatch to the Officer Administering the Government of the Kenya Colony and Protectorate relating to Native Labour.

DOWNING STREET.

KENYA, No. 1353. *5th September*, 1921.

SIR,

1. Among the more important matters which I have been able to examine with Sir Edward Northey during his visit to this country is the native labour policy in Kenya. This subject has given rise to much discussion in this country, more especially in connection with the compulsory labour for Government, provision for which was made in the Native Authority (Amendment) Ordinance, 1920, and it has become increasingly evident that there is genuine misgiving in many quarters as to the effect of the present policy.

2. I thought it desirable, therefore, to review the whole question in consultation with Sir Edward Northey, and I have decided that certain modifications should be introduced in the present system, which I have reason to think will remove the objections entertained. I must, however, say at once that in taking this action, I am in no way actuated by distrust of the motives of your Government or the aims of the Administration generally. Nor do I attach importance to the ill-informed allegations, which are sometimes made, that the Government is exploiting the natives either for Government work or in regard to private employment, as I know that this is entirely alien to the spirit of the Administration as a whole, and that Sir Edward Northey would not countenance any such action. On the other hand, there is genuine anxiety on the part of those who have knowledge and experience of the natives and interest in their welfare as to the effect of recent measures ; and I feel sure that your Government will agree that, if it is practicable to modify any features in the native labour policy of the Colony which may afford a ground for criticism against the Government, it is in the interests of all concerned to effect such modifications, and I know that Sir Edward Northey himself shares this view of the matter.

3. For the purpose of this despatch it will be convenient to deal separately with the three main aspects of the question :—

(i) *Traditional unpaid labour by natives in a Reserve for the benefit of the Reserve.*

Under Section 7 of the Native Authority Ordinance, 1912, any Headman may from time to time issue orders to be obeyed by natives

(B 3—49)z Wt. 15436—746 875/90 9/21 H & S Ltd.

residing within the local limits of his jurisdiction for certain purposes. Under Sub-section (*h*) of that Section, the able-bodied men may be required to work in the making or maintaining of any water-course or other work constructed or to be constructed or maintained for the benefit of the community to which such able-bodied men belong, provided that no person shall be ordered or required to work in this way for more than six days in any quarter.

This form of labour, which is traditional among natives in East Africa, is not, in my opinion, open to criticism, provided that such labour is confined to males and that the other limitations imposed by the Ordinance are strictly observed, and I do not propose that any alteration should be made. Sir Edward Northey has assured me that he will take all necessary steps, by administrative regulation, to check abuses that may be brought to his notice, and that he will at once enquire into any specific cases of infringement or alleged infringement of the Ordinance to which his attention is directed. In this connection I may observe that it is impossible for vague complaints of a general nature to be dealt with, and I trust therefore that anyone who desires to bring any abuse to the notice of Government will not hesitate to supply the fullest information in order that adequate investigation may be made.

(ii) *Voluntary labour for private employers.*

The principle that Administrative Officers and Native Chiefs should take every opportunity of inculcating among the natives habits of industry either inside or outside the Reserves is obviously right, and not open to criticism. But beyond taking steps to place at the disposal of natives any information which they may possess as to where labour is required, and at the disposal of employers information as to sources of labour available for voluntary recruitment, the Government officials will in future take no part in recruiting labour for private employment.

This decision will, I think, ease the position of the Government officials, whose duties in this connection will be thus clearly defined.

(iii) *Compulsory paid labour for Government.*

Under the Native Authority (Amendment) Ordinance, 1920, provision was made for Headmen to issue orders to be obeyed by natives residing within the limits of their local jurisdiction for the provision of paid porters for Government servants on tour and for the Government Transport Department, and for the provision of paid labour for work on the construction or maintenance of railways and roads wherever situated in the Protectorate (now Colony and Protectorate of Kenya) and for other work of a public nature whether of a like kind to the foregoing or not, subject to the provisos that no person should be required to work in this way for a longer period than 60 days in any one year, or if fully employed in any other occupation, or if so employed during the preceding 12 months for a period of three months, or if otherwise exempted under directions issued by the Governor.

I do not propose to examine now the various arguments put forward for or against this form of labour. Lord Milner agreed to the enactment of the Native Authority (Amendment) Ordinance, 1920, being satisfied at the time that the position justified this measure; but it has always been recognised that recourse should not be had to compulsory labour for Government purposes unless this was absolutely necessary. I need not enlarge on this point of view, which is generally accepted, no less in Kenya by Sir Edward Northey and the Colonial Government than by His Majesty's Government. But conditions have to some extent changed, since the Ordinance was framed, and it is clear from the information with which I have been supplied that the Government has in fact been able to carry out necessary work with only rare recourse to the powers of compulsion conferred by the Ordinance. I hope and believe that in the present state of the labour market in Kenya, recourse to compulsory labour will not be necessary; but it is not certain that this state of affairs will be permanent, and work essential to the life of the community must be carried on. While, therefore, in order to leave no room for misconception, I wish it to be placed on public record that it is the declared policy of the Government of Kenya to avoid recourse to compulsory labour for Government purposes, except when this is absolutely necessary for essential services, I have decided that the legislation which empowers the Government to obtain compulsory labour shall remain on the statute book, but with the following amendment: It should be provided that, except in regard to the provision of paid porters for Government servants on tour or for the transport of urgent Government stores, the Government must refer to the Secretary of State for prior authority to utilize the powers of compulsion conferred by the Ordinance and that such authority will only be given for specified works for a specified period. Further, the works of a public nature for which compulsory labour is now permissible and for which in special cases the Secretary of State may in future authorize compulsory labour should be defined in the amending Ordinance. I have not attempted to prepare such a definition, as I think that this ought first to be carefully considered by your Government; but in any event I wish it to be made clear that works carried out for the Government by a contractor cannot be included except with the express sanction of the Secretary of State.

(iv) *Labour from the Tanganyika Territory.*

The arrangements laid down in paragraph 10 of my predecessor's despatch* No. 1027 of the 22nd July, 1920, in regard to the recruitment of voluntary labour in the Tanganyika Territory for Government work in Kenya are not, I think, open to criticism, and I do not suggest that any modification should be made.

4. I have to request that you will submit to me, for consideration, as soon as possible the draft of an amending Ordinance to give effect to the decisions in regard to compulsory paid labour for Government; but pending the enactment of the amending Ordinance, you should be

* No. 1 in [Cmd. 873].

guided in your action by these decisions and refer to me for prior approval for utilizing the powers of compulsion, except for the two purposes specifically provided for. I should also be glad to receive, for my information, copies of any circulars which may be issued by your Government notifying the modifications in policy generally which I have indicated above.

5. The general principles of policy laid down in this despatch for Kenya will be extended, so far as they are applicable, to Uganda and Zanzibar, and I am sending a copy of this despatch with the necessary instructions to the Acting Governor of Uganda and the Acting High Commissioner for Zanzibar.

6. I propose that this despatch should be published as a Parliamentary Paper and presented to Parliament at an early date.

I have the honour to be,

Sir,

Your most obedient, humble servant,

WINSTON S. CHURCHILL.

THE OFFICER ADMINISTERING
THE GOVERNMENT OF KENYA.

Printed under the Authority of HIS MAJESTY'S STATIONERY OFFICE
By Harrison & Sons, Ltd., St. Martin's Lane, W.C. 2.